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green underline denotes added text  
~~red struck out text denotes deleted text~~

## 2019 VT S 149

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No. 60

2019

**No. 60. An act relating to miscellaneous changes to laws related to vehicles and the Department of Motor Vehicles.**

(S.149)

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Public Records Requests \* \* \*

Sec. 1. 23 V.S.A. § 104(a) is amended to read:

~~(a) The records of the registration of motor vehicles, snowmobiles, and motorboats, licensing of operators and registration of dealers, all original accident reports, and the records showing suspension and revocation of licenses and registrations and the records regarding diesel fuel, gasoline, and rental vehicle taxes shall be deemed official and public records, and shall be open to public inspection at all reasonable hours. The Commissioner shall furnish certified copies of the records to any interested person on payment of such fee as established by subdivision 114(a)(21) of this title. Notwithstanding section 114 of this title, information from the records of the Department may be made available to government agencies in the manner determined by the Commissioner and at the actual cost of furnishing the same. The records may be maintained on microfilm or electronic imaging.~~ Any information contained in Department records is subject to and shall be released pursuant to the Driver's Privacy Protection Act, 18 U.S.C. chapter 123 as amended.

Sec. 2. 23 V.S.A. § 114 is amended to read:

### § 114. FEES

(a) The Commissioner shall be paid the following fees for miscellaneous transactions:

(1) Listings of 1 through 4 registrations	\$8.00
(2) Certified copy of registration application	\$8.00
(3) Sample plates	\$18.00
(4) Lists of registered dealers, transporters, periodic inspection stations, fuel dealers, and distributors, including gallonage sold or delivered and rental vehicle companies	\$8.00 per page
(5) [Repealed.]	
(6) Periodic inspection sticker record	\$8.00
(7) Certified copy individual accident crash report	\$12.00
(8) Certified copy police accident crash report	\$18.00
(9) Certified copy suspension notice	\$8.00
(10) Certified copy mail receipt	\$8.00
(11) Certified copy proof of mailing	\$8.00
(12) Certified copy reinstatement notice	\$8.00
(13) Certified copy operator's license application	\$8.00
(14) Certified copy three-year operating record	\$14.00
(15) [Repealed.]	
(16) Government official photo identification card	\$6.00
(17) Listing of operator's licenses of 1 through 4	\$8.00
(18) Statistics and research	\$42.00 per hour

(19) Insurance information on crash	\$8.00
(20) Certified copy complete operating record	\$20.00
(21) Records not otherwise specified	\$8.00 per page
(22) <del>List of title records and related data elements excluding any personally identifiable information—initial computer programming</del> <u>Public records request for Department records requiring custom computer programming</u>	<del>\$5,331.00</del> <u>\$100.00 per hour, but not less than \$500.00</u>
(23) <del>List of title records and related data elements excluding any personally identifiable information—record set on electronic media</del> <u>Public records request for Department records requiring custom computer programming (updated)</u>	\$119.00

(b) The Commissioner shall furnish the items listed in subsection (a) of this section ~~only~~ upon a request ~~which~~ that completely identifies the information sought or pursuant to a contract with an outside entity for purposes permitted under law, including the Driver's Privacy Protection Act, 18 U.S.C. chapter 123 as amended. Completely identifying For purposes of this subsection, a request that completely identifies the information sought for ~~individuals~~ an individual shall mean name and date of birth, and for ~~vehicles~~ a vehicle shall mean either the registration number or the vehicle identification number.

\* \* \* Junior Operator's License \* \* \*

Sec. 3. 23 V.S.A. § 607 is amended to read:

§ 607. JUNIOR OPERATOR'S LICENSE

(a) A junior operator's license may be issued initially only to persons who:

\* \* \*

(3) have:

(A) possessed a learner's permit for not less than one year;

(B) submitted on a form provided by the Department of Motor Vehicles ~~which~~ that is approved by the Commissioner, and certified by the operator's licensed parent or guardian, licensed or certified driver education instructor, or licensed person at least 25 years of age that there ~~has been~~:

~~(i)~~ was at least 40 hours of practice behind the wheel, at least 10 of which ~~shall be~~ was nighttime driving; and that the operator was accompanied by ~~their~~ his or her licensed parent or guardian, a licensed or certified driver education instructor, or another licensed ~~person~~ individual at least 25 years of age, riding ~~beside the operator in the front passenger seat~~; and

~~(ii)~~ (C) ~~have~~ maintained a driving record without a learner's permit suspension, revocation, or recall for six consecutive months prior to licensure.

\* \* \*

(c) Any junior operator's license may be renewed. Notwithstanding the provisions of any other law, a renewed junior operator's license shall not be ~~issued without a photograph or imaged likeness. Any person to whom a renewed junior operator's license has been issued shall, while operating a motor vehicle, carry upon his or her person the last license issued to him or her as well as the renewed license certificate required to meet the requirements of subsection 610(b) of this title.~~

\* \* \* Photographic Licenses \* \* \*

Sec. 4. 23 V.S.A. § 610(c) is amended to read:

(c) Each license certificate issued to a first-time applicant and each subsequent renewal by that person shall be issued with the photograph or imaged likeness of the licensee included on the certificate. The Commissioner shall determine the locations where photographic licenses may be issued. A person issued a license under this subsection that contains an imaged likeness may renew his or her license by mail. Except that a renewal by a licensee required to have a photograph or imaged likeness under this subsection must be made in person so that an updated imaged likeness of the person is obtained no less often than once every ~~eight~~ nine years.

\* \* \* Commercial Driver License for Qualified Military Personnel \* \* \*

Sec. 5. 23 V.S.A. § 4108(d) is amended to read:

(d) At the discretion of the Commissioner, the knowledge test and the skills test required under ~~49 C.F.R. § 383.113~~ 49 C.F.R. §§ 383.113 and 383.133, as amended, and the tests required for a passenger endorsement or a tank vehicle endorsement or a hazardous materials endorsement under 49 CFR §§ 383.117, 383.119, or 383.121, as amended, may be waived for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his or her application for a commercial driver license, if the test is substituted with an applicant's driving record in combination with the driving experience specified in this subsection. The Commissioner shall impose conditions and limitations to restrict the applicants from whom alternative requirements for the skills test may be accepted. Such conditions shall include the following:

\* \* \*

Sec. 6. 23 V.S.A. § 4108(e) is amended to read:

(e) Obtaining a commercial learner's permit is a precondition to the initial issuance of a commercial driver license. The issuance of a commercial learner's permit also is a precondition to the upgrade of a commercial driver license if the upgrade requires a skills test. A permit may be issued to an individual who holds a valid Vermont driver's license who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made. A commercial learner's permit holder is not eligible to take the commercial driver license skills test in the first 14 days after initial issuance of the commercial learner's permit. A permit shall be issued for a period of ~~six months~~ one year, and only one renewal or reissuance of a commercial learner's permit may be granted within a two-year period.

\* \* \* Foreign Driver's License Reciprocity \* \* \*

Sec. 7. 23 V.S.A. § 208 is amended to read:

#### § 208. RECIPROCAL RECOGNITION OF NONRESIDENT REGISTRATIONS, LICENSES, AND PERMITS; FOREIGN VISITORS

As determined by the Commissioner, and consistent with section 601 of this title, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of ~~operators'~~ operator's licenses or learner's permits. However, these exemptions shall be operative only to the extent that under the laws of the foreign country or state of the owner's or operator's residence like exemptions and privileges are granted to owners of motor vehicles duly registered and to operators duly licensed or permitted under the laws of this State, except that if the owner or operator is a resident of a country not adjoining the United States, the exemptions shall be operative for a period of not more than ~~30 days for vacation purposes~~ one year even if the country does not grant like privileges to residents of this State.

Sec. 8. 23 V.S.A. § 601(a) is amended to read:

(a) (1) Except as otherwise provided by law, a resident shall not operate a motor vehicle on a highway in Vermont unless he or she holds a valid license issued by the State of Vermont. A new resident who has moved into the State from another jurisdiction and who holds a valid license to operate motor vehicles under section 208 of this title shall procure a Vermont license within 60 days of moving to the State. Except as provided in subsection 603(d) of this title, licenses shall not be issued to nonresidents.

(2) In addition to any other requirement of law, a nonresident as defined in section 4 of this title shall not operate a motor vehicle on a Vermont highway unless:

(A) he or she holds a valid license or permit to operate a motor vehicle issued by another U.S. jurisdiction; or

(B) ~~he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and operates for a period of not more than 30 days for vacation purposes; or~~

~~(C)~~ he or she holds a valid license or permit to operate a motor vehicle from a jurisdiction outside the United States and:

(i) is at least ~~or more~~ 18 years of age, is lawfully present in the United States, and has been in the United States for ~~less~~ not more than one year; and

(ii) ~~the jurisdiction that issued the license is a party to the 1949 Convention on Road Traffic or the 1943 Convention on the Regulation of Inter-American Motor Vehicle Traffic; and~~

~~(iii)~~ he or she possesses an international driving permit.

Sec. 9. 23 V.S.A. § 632(a) is amended to read:

(a) Before an operator's or a junior operator's license is issued to an applicant for the first time in this State, or before a renewal license is issued to an applicant whose previous Vermont license had expired more than three years prior to the application for renewal, the applicant shall pass a satisfactory examination, except that the Commissioner may, in his or her discretion, waive the examination when the applicant holds a chauffeur's or operator's license in force at the time of application or within one year ~~of~~ prior to the application in some other ~~state~~ jurisdiction where an examination is required similar to the examination required in this State.

\* \* \* Replacement License \* \* \*

Sec. 10. 23 V.S.A. § 613 is amended to read:

#### § 613. ~~DUPLICATE~~ REPLACEMENT LICENSE

(a) In case of the loss, mutilation, or destruction of a license or error in a license, the licensee shall forthwith notify the Commissioner who shall furnish such licensee with a duplicate replacement on receipt of \$20.00. ~~A corrected license shall be furnished by the Commissioner upon request and receipt of a fee of \$20.00.~~

(b) A duplicate replacement license shall not be issued to any person who has surrendered his or her license to another jurisdiction in connection with obtaining a license in that jurisdiction.

\* \* \* Designated Inspection Station Violations \* \* \*

Sec. 11. 23 V.S.A. § 1231 is amended to read:

## § 1231. ADMINISTRATIVE PENALTIES

(a) The Commissioner may impose an administrative penalty of not more than \$500.00 for each violation against a designated inspection station or a certified inspection mechanic who violates the laws relating to the performance of periodic motor vehicle inspections or the official inspection manuals within the prior three years.

\* \* \*

(c) The Commissioner shall adopt rules establishing categories of violations for which administrative penalties are to be imposed under this section. Categories shall be based on the severity of the violation involved. Penalties assessed for each determination of violation of the inspection rules shall not exceed the following amounts per category:

- (1) ~~Category 1-~~ Violation of State law relative to inspection (Category 1) —\$500.00.
- (2) ~~Category 2-~~ Violation of a Category 2 inspection rule ~~(fraud-related)~~ —\$300.00.
- (3) ~~Category 3-~~ Violation of a Category 3 inspection rule ~~(improper action)~~ —\$250.00.
- (4) ~~Category 4-~~ Violation of a Category 4 inspection rule ~~(records/equipment)~~ —\$100.00.
- (5) ~~Category 5-~~ Violation of a Category 5 inspection rule ~~(documentation)~~ —\$50.00.

\* \* \*

## \* \* \* Renewal of Identification Cards \* \* \*

Sec. 12. 23 V.S.A. § 115(b) is amended to read:

(b) Every identification card shall expire, unless earlier canceled, at midnight on the eve of the fourth birthday anniversary of the date of birth of the applicant cardholder following the date of original issue, and may be renewed every four years upon payment of a \$24.00 fee. A renewed identification card shall expire, unless earlier canceled, at midnight on the eve of the fourth anniversary of the date of birth of the cardholder following the expiration of the card being renewed. At least 30 days before an identification card will expire, the Commissioner shall mail first class to the cardholder or send the cardholder electronically an application to renew the identification card; a cardholder shall be sent the renewal notice by mail unless the cardholder opts in to receive electronic notification. A person born on February 29 shall, for the purposes of this section, be considered as born on March 1.

## \* \* \* Renewal of Operator's Licenses \* \* \*

Sec. 13. 23 V.S.A. § 601(b) is amended to read:

(b) All operator's licenses issued under this chapter shall expire, unless earlier cancelled, at midnight on the eve of the second or fourth anniversary of the date of birth of the applicant license holder following the date ~~they were issued of issue~~. Renewed licenses shall expire at midnight on the eve of the second or fourth anniversary of the date of birth of the license holder following the date the renewed license expired. All junior operator's licenses shall expire, unless earlier cancelled, at midnight on the eve of the second anniversary of the date of birth of the applicant license holder following the date ~~they were issued of issue~~. A person born on February 29 shall, for the purposes of this section, be considered as born on March 1.

## \* \* \* Display of Inspection Stickers \* \* \*

Sec. 14. 23 V.S.A. § 203(a) is amended to read:

## § 203. COUNTERFEITING, FRAUD, AND MISUSE; PENALTY

(a) A person shall not:

(1) counterfeit or cause to be counterfeited or have in his or her possession any counterfeit number plate, validating sticker, marker, inspection sticker, registration certificate, learner's permit, nondriver identification card, insurance identification card, or operator license, or alter or have in his or her possession any altered number plate or marker; ~~or~~

(2) display or cause or permit to be displayed, or have in his or her possession, any fictitious or fraudulently altered operator license, learner's permit, nondriver identification card, inspection sticker, or registration certificate, or display for any fraudulent purpose an expired or counterfeit insurance identification card or similar document; ~~or~~

(3) lend his or her operator license to any other person or knowingly permit the use thereof by another; ~~or~~

(4) display or represent as his or her own any operator license, permit, ~~inspection sticker~~, or nondriver identification card not issued to him or her; ~~or, in the case of inspection stickers, not issued to him or her for the vehicle on which the sticker is displayed; or~~

(5) permit any unlawful use of an operator license, permit, or nondriver identification card issued to him or her by the Commissioner; ~~or~~

(6) obtain or attempt to obtain a registration plate, validation sticker, registration certificate, operator's license, learner's permit, nondriver identification card, or duplicate copy of any of such documents by the use of fraudulently obtained, fictitious, or altered identity documents or by the use of identity documents not his or her own; ~~or~~

(7) obtain or attempt to obtain a registration plate, validation sticker, registration certificate, certificate of title, operator's license, learner's permit, nondriver identification card, duplicate copy of any of these documents, or obtain or attempt to obtain any other permit, license, or special privilege from the Department of Motor Vehicles through the submission of an application containing false or fictitious information; ~~or~~

(8) lend his or her identity documents to aid an applicant in his or her attempt to fraudulently obtain or actually obtain a registration plate, validation sticker, registration certificate, operator's license, learner's permit, nondriver identification card, or duplicate copy of such documents; or

(9) display on his or her vehicle an inspection sticker not issued to him or her for the vehicle.

\* \* \* Registration of Trailers and Semi-Trailers \* \* \*

Sec. 15. 23 V.S.A. § 301 is amended to read:

#### § 301. PERSONS REQUIRED TO REGISTER

Residents, except as provided in chapter 35 of this title, shall annually register motor vehicles owned or leased for a period of more than 30 days and operated by them, unless currently registered in Vermont. Notwithstanding this section, a resident who has moved into the State from another jurisdiction shall register his or her motor vehicle within 60 days of moving into the State. A person shall not operate a motor vehicle nor draw a trailer or semi-trailer on any highway unless such vehicle is registered as provided in this chapter. Vehicle owners who have apportioned power units registered in this State under the International Registration Plan are exempt from the requirement to register their trailers in this State.

\* \* \* Automated Vehicle Testing \* \* \*

Sec. 16. 23 V.S.A. chapter 41 is added to read:

### CHAPTER 41. AUTOMATED VEHICLE TESTING

#### § 4201. SHORT TITLE

This chapter may be cited as the Automated Vehicle Testing Act.

#### § 4202. DEFINITIONS

As used in this chapter:

(1) "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver, where applicable.

(2) "Automated vehicle" means a motor vehicle that is equipped with an automated driving system.

(3) "Automated vehicle tester" or "tester" means an individual, company, public agency, or other organization that is testing automated vehicles on public highways in this State pursuant to this chapter including an automated vehicle manufacturer, municipal or State agency, institution of higher education, fleet service provider, or automotive equipment or technology provider.

(4) "Conventional human driver" means an individual who manually engages in-vehicle braking, accelerating, steering, and transmission gear selection input devices in order to operate a vehicle.

(5) "Dynamic driving task" means all the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints.

(6) "Highly automated vehicle" means a vehicle equipped with an automated driving system capable of performing all aspects of the dynamic driving task within its operational design domain, if any, including achieving a minimal risk condition, without any intervention or supervision by a conventional human driver.

(7) "Manufacturer" means an individual or company that designs, produces, or constructs vehicles or equipment. Manufacturers include original equipment manufacturers (OEMs), multiple and final stage manufacturers, individuals or companies making changes to a completed vehicle before first retail sale or deployment (upfitters), and modifiers (individuals or companies making changes to existing vehicles after first retail sale or deployment).

(8) "Minimal risk condition" means a condition in which an automated vehicle operating without a human driver, upon experiencing a failure of its automated driving system that renders the automated vehicle unable to perform the dynamic driving task, achieves a reasonably safe state that may include bringing the automated vehicle to a complete stop.

(9) "Operational design domain" means a description of the specific domain or domains in which an automated driving system is designed to properly operate, including types of roadways, ranges of speed, weather, time of day, and environmental conditions.

(10) "Operator" means an individual employed by or under contract with an automated vehicle tester who has successfully completed the tester's training on safe driving and the capabilities and limitations of the automated vehicle and automated driving



system, can take immediate manual or remote control of the automated vehicle being tested, is 21 years of age or older, and holds an operator's license for the class of vehicle being tested.

(11) "Public highway" means a State or municipal highway as defined in 19 V.S.A. § 1(12).

#### § 4203. TESTING OF AUTOMATED VEHICLES ON PUBLIC HIGHWAYS

(a) An automated vehicle shall not be operated on public highways for testing until the Traffic Committee as defined in 19 V.S.A. § 1(24) approves a permit application for automated vehicle testers that defines the scope and operational design domain for the test and demonstrates the ability of the automated vehicle tester to comply with the requirements of this section.

(b) Prior to approving a permit application, the Traffic Committee shall conduct a hearing to provide for comments from the public. Legislative bodies of the municipalities where an automated vehicle will be tested shall be notified by the Traffic Committee 60 calendar days prior to the Traffic Committee hearing when the geographic scope of the test includes State highways or Class 1, 2, 3, or 4 Town Highways, as classified pursuant to 19 V.S.A. § 302, within the geographic boundaries of the municipality.

(c) The Traffic Committee is authorized to approve the testing of automated vehicles on:

(1) All State highways and Class 1 Town Highways.

(2) Class 2, 3, and 4 Town Highways within the geographic boundaries of municipalities that have preapproved testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality as of the date the permit application for automated vehicle testing is filed. A municipality may immediately revoke its preapproval of automated vehicle testing by notifying the Secretary of Transportation in writing that it no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(d) The Agency of Transportation's Automated Vehicle Testing Guide shall include a list of municipalities that have preapproved testing of automated vehicles and shall update the Automated Vehicle Testing Guide within 10 business days after a municipality notifies the Secretary of Transportation in writing that it now wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality or no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(e) The Traffic Committee has the sole authority to approve specific test permit applications. Municipal approval of specific testing permits is not required. Notwithstanding subdivision (c)(2) of this section, after a test permit has been approved by the Traffic Committee, all modifications to the operational design domain or other permit conditions, including changes affecting town highways in a preapproved testing municipality, requires approval by the Traffic Committee.

(f) Before a test commences, the Traffic Committee shall make approved automated vehicle test permits readily available to law enforcement and municipalities within the geographic scope of the operational design domain designated in the permit.

(g) The automated vehicle tester shall submit a report to the Traffic Committee annually, until all testing ceases, summarizing results and observations related to safety, traffic operations, interaction with roadway infrastructure, comments from the public, and any other relevant matters.

(h) An automated vehicle tester shall not test an automated vehicle on a public highway unless:

(1) The operator is:

(A) seated in the driver's seat of the automated vehicle;

(B) monitoring the operation of the automated vehicle; and

(C) capable of taking immediate manual control of such automated vehicle.

(2) The automated vehicle tester:

(A) registers each automated vehicle to be tested with the Commissioner pursuant to chapter 7 of this title;

(B) submits to the Commissioner, in a manner and form directed by the Commissioner, proof of liability insurance, self-insurance, or a surety bond of at least five million dollars for damages by reason of bodily injury, death, or property damage caused by an automated vehicle while engaged in automated vehicle testing;

(C) has established and enforces a zero-tolerance policy for drug and alcohol use by operators while engaged in automated vehicle testing. The policy shall include provisions for investigations of alleged policy violations and the suspension of drivers under investigation; and

(D) has conducted background checks for all operators pursuant to section 751 of this title, which may be inspected by the Commissioner of Motor Vehicles or designee pursuant to section 752 of this title.

(3) The operator and automated vehicle tester:

(A) comply with applicable standards established by the National Highway Traffic Safety Administration regarding the testing of automated vehicles or are capable of providing proof of exemptions or waivers to such standards;

(B) report to the Agency of Transportation and the applicable law enforcement agency within 72 hours after any motor vehicle crash involving the testing of the automated vehicle that results in personal injury or property damage; and

(C) satisfy any other requirements and permit conditions as determined by the Traffic Committee as necessary to ensure the safe operation of such automated vehicles.

(i) An automated vehicle testing permit may be voided and invalidated for the trip by a law enforcement officer who determines there is a violation of any condition specified in the terms of the automated vehicle test permit or that the continuation of the trip would be unsafe.

(j) An automated vehicle testing permit may be suspended or revoked by the Traffic Committee if, after the opportunity for a hearing, the Traffic Committee determines that there is a violation of any condition or conditions specified in the terms of the automated vehicle test permit that warrants the suspension or revocation of the testing permit or that the continuation of the testing would be unsafe.

(k) Operating or testing in violation of a suspension or revocation order shall be a traffic violation for which there shall be a penalty of not more than \$1,000.00.

(l) Test vehicles must be capable of operating in compliance with applicable traffic and motor vehicle laws of this State, subject to this subchapter.

(m) An individual shall not operate, attempt to operate, or be in actual physical control of an automated vehicle being tested on a public highway when the individual's blood alcohol concentration is 0.02 or more.

(n) An automated vehicle being tested on a public highway shall be clearly identifiable by the public.

\*\*\* State Traffic Committee \*\*\*

Sec. 17. 19 V.S.A. § 1(24) is amended to read:

(24) "Traffic Committee" consists of the Secretary of Transportation or ~~his or her~~ designee, the Commissioner of Motor Vehicles or ~~his or her~~ designee, and the Commissioner of Public Safety or ~~his or her~~ designee and is responsible for establishing speed zones, parking and no parking areas, rules for use of limited access highways, approval of the testing of automated vehicles as defined in 23 V.S.A. § 4202 on public highways, and other traffic control procedures.

\*\*\* Automated Vehicle Testing Implementation \*\*\*

#### Sec. 18. AUTOMATED VEHICLE TESTING IMPLEMENTATION

(a) As soon as practicable, but not later than January 1, 2021, the Agency of Transportation, in consultation with Vermont's Regional Planning Commissions, shall identify which legislative bodies of municipalities in the State have approved the testing of automated vehicles on the Class 2, 3, and 4 Town Highways, as classified pursuant to 19 V.S.A. § 302, within the geographic boundaries of the municipality.

(b) As soon as practicable, but not later than January 1, 2021, the Agency of Transportation shall publish an Automated Vehicle Testing Guide and application form to support review by the Traffic Committee and consistent with the requirements of 23 V.S.A. § 4203 as added in Sec. 16 of this act, including that the Automated Vehicle Testing Guide include a list of municipalities that have preapproved testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality and be updated whenever a new municipality wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality or a municipality no longer wishes to allow testing of automated vehicles on Class 2, 3, and 4 Town Highways within the geographic boundaries of the municipality.

(c) The Agency of Transportation may adopt rules to implement the provisions of 23 V.S.A. chapter 41 as added in Sec. 16 of this act.

\*\*\* Application for Certificate of Title \*\*\*

Sec. 19. 23 V.S.A. § 2015(b) is amended to read:

(b) If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his or her security agreement and be signed by the dealer as well as the owner, and the dealer shall promptly mail or deliver the application to the Commissioner unless title is in the possession of a lienholder at the time of sale, in which case the dealer shall have until 30 calendar days after the date the dealer acquired the vehicle to mail or deliver the application to the Commissioner. The dealer shall not be entitled to the extension if the lien on the vehicle was granted by the dealer to finance vehicle inventory acquisition.

\*\*\* Resale by Dealer \*\*\*

Sec. 20. 23 V.S.A. § 2024 is amended to read:

#### § 2024. RESALE BY DEALER

If a dealer buys a vehicle, ~~and~~ holds it for resale, and obtains the certificate of title from the owner or the lienholder ~~within 10 days after receiving the vehicle, then~~ the certificate need not be sent to the Commissioner. When the dealer transfers the vehicle to a person, other than by the creation of a security interest, he or she shall simultaneously execute the assignment and warranty of title by filling in

the spaces on the certificate of title or as prescribed by the Commissioner or, if title is held by a finance source, execute a form prescribed by the Commissioner that provides proof of the transfer but does not release the lien. The certificate shall be mailed or delivered to the Commissioner with the transferee's application for a new certificate.

\* \* \* Application for Registration by the Dealer \* \* \*

Sec. 21. 23 V.S.A. § 459 is amended to read:

#### § 459. NOTICE, APPLICATION, AND FEES TO COMMISSIONER

(a) Upon issuing a number plate with temporary validation stickers, a temporary number plate, or a temporary decal to a purchaser, a dealer shall ~~within have~~ 15 calendar days, or up to 30 calendar days as applicable pursuant to subsection 2015(b) of this title, to forward to the Commissioner the application and fee, deposited with him or her by the purchaser, together with notice of such issue and such other information as the Commissioner may require.

(b) If a number plate with temporary validation stickers, a temporary registration plate, or a temporary decal is not issued by a dealer in connection with the sale or exchange of a vehicle or motorboat, the dealer may accept from the purchaser a properly executed registration, tax, and title application, and the required fees for transmission to the Commissioner. The dealer shall ~~within have~~ 15 calendar days, or up to 30 calendar days as applicable pursuant to subsection 2015(b) of this title, to forward to the Commissioner the application and fee together with such other information as the Commissioner may require.

\* \* \* Title to Motor Vehicle Anti-Theft Provisions \* \* \*

Sec. 22. 23 V.S.A. § 2083 is amended to read:

#### § 2083. OTHER OFFENSES

(a) A person who:

\* \* \*

(2) knowingly fails to mail or deliver a certificate of title or application for a certificate of title to the Commissioner within ~~20~~ 30 days after the transfer or creation or satisfaction of a security interest shall be subject to the penalties prescribed in subdivision (5) of this subsection;

(3) knowingly fails to deliver to his or her transferee a certificate of title within ~~20~~ 30 days after the transfer shall be subject to the penalties prescribed in subdivision (5) of this subsection;

\* \* \*

(5) knowingly violates any provision of this chapter, except as provided in subdivision (6) of this subsection or section 2082 of this title, shall be fined not more than \$2,000.00, or imprisoned for not more than two years, or both; or

\* \* \*

(b) Absent a showing of a knowing failure to deliver as provided in subdivision (a)(3) of this section, a person who fails to deliver to his or her transferee a certificate of title within ~~10~~ 30 days after the transfer commits a traffic violation and shall be assessed a civil penalty of not more than \$1,000.00.

\* \* \* Translated Department of Motor Vehicle Documents and Use of Interpreters \* \* \*

Sec. 23. 23 V.S.A. § 631 is amended to read:

#### § 631. REQUIREMENTS; RULES

(a) The Commissioner may adopt rules pursuant to 3 V.S.A. chapter 25 governing the examination of new applicants for ~~operators'~~ operator's licenses and may prescribe ~~what shall be requisite~~ requirements to obtain or hold a license or learner's permit, by either a new or renewal applicant, as to driving experience, mental and physical qualifications, and any other matter or thing ~~which that~~, in his or her judgment, will contribute to the selection of safe and efficient operators.

(b) Any written forms, applications, or tests used by the Department of Motor Vehicles for operator licensing shall be translated into primary languages of nations from which individuals assisted by the U.S. Committee for Refugees and Immigrants Vermont in the prior 10 years hail, as determined on an annual basis by the Department in consultation with the U.S. Committee for Refugees and Immigrants Vermont, and available at all Department locations and on the Department's website if the English version is available. Nothing in this subsection is intended to require the Department to translate any educational manuals.

Sec. 24. 23 V.S.A. § 632 is amended to read:

#### § 632. EXAMINATION REQUIRED; WAIVER

(a) Before an operator's or a junior operator's license is issued to an applicant for the first time in this State, or before a renewal license is issued to an applicant whose previous Vermont license had expired more than three years prior to the application for renewal, the applicant shall pass a satisfactory examination, except that the Commissioner may, in his or her discretion, waive the examination when the applicant holds a chauffeur's or operator's license in force at the time of application or within one year of the application in some other state where an examination is required similar to the examination required in this State.



(b) The examination shall consist of:

- (1) an oral or written examination;
- (2) a thorough road test; and

(3) at the discretion of the Commissioner, such other examination or demonstration as he or she may prescribe, including an oral eye examination.

(c) An applicant may have an individual of his or her choosing at the oral examination or road test to serve as an interpreter, including to translate any oral commands given as part of the road test.

Sec. 25. [Deleted.]

\* \* \* Department of Motor Vehicles Training \* \* \*

Sec. 26. DEPARTMENT OF MOTOR VEHICLES TRAINING

On or before January 1, 2020, the Commissioner of Motor Vehicles shall, in collaboration with the U.S. Committee for Refugees and Immigrants Vermont and the Association of Africans Living in Vermont, provide an online or in- person training to all Department of Motor Vehicles employees who directly interact with the public that emphasizes strategies to recognize and address cultural differences and other potential barriers to equal access to Department of Motor Vehicles services for individuals who come to Vermont from other nations. A similar training shall be given to all future Department of Motor Vehicle employees who will directly interact with the public within one month after the employee's date of hire.

\* \* \* Translated Documents and Use of Interpreters Implementation \* \* \*

Sec. 27. TRANSLATED DOCUMENTS AND USE OF INTERPRETERS IMPLEMENTATION

(a) The Commissioner of Motor Vehicles shall have until July 1, 2019 to consult with the U.S. Committee for Refugees and Immigrants Vermont and determine the primary language of every nation from which individuals assisted by the U.S. Committee for Refugees and Immigrants Vermont in the prior 10 years hail.

(b) On or before October 15, 2019, the Commissioner of Motor Vehicles shall send a written update to the Joint Transportation Oversight Committee that includes an implementation plan to ensure compliance with 23 V.S.A. §§ 631–632 and § 4108 as amended by Secs. 23–25 of this act and an update on the training required pursuant to Sec. 26 of this act.

\* \* \* Junior Operator Use of Portable Electronic Devices \* \* \*

Sec. 28. 23 V.S.A. § 1095a(d) is added to read:

(d)(1) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a civil penalty of not less than \$100.00 and not more than \$200.00 for a first violation, and of not less than \$250.00 and not more than \$500.00 for a second or subsequent violation within any two-year period.

(2) A person convicted of violating this section while operating within the following areas shall have four points assessed against his or her driving record for a first conviction and five points assessed for a second or subsequent conviction:

- (A) a properly designated work zone in which construction, maintenance, or utility personnel are present; or
- (B) a school zone marked with warning signs conforming to the Manual on Uniform Traffic Control Devices.

(3) A person convicted of violating this section outside the areas designated in subdivision (2) of this subsection shall have two points assessed against his or her driving record.

Sec. 29. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

(a) Unless the assessment of points is waived by a Superior judge or a Judicial Bureau hearing officer in the interests of justice and in accordance with subsection 2501(b) of this title, a person operating a motor vehicle shall have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

- (1) Two points assessed for:

\* \* \*

(LL)(i) § 1095. Entertainment picture visible to operator;

(ii) § 1095a(d)(3). Junior operator use of portable electronic device outside work or school zone;

(iii) § 1095b(c)(3). Use of portable electronic device outside work or school zone;

\* \* \*

(3) Four points assessed for:

\* \* \*

(E) § 1095a(d)(2). Junior operator use of portable electronic device in work or school zone—first offense;

(E) § 1095b(c)(2). Use of portable electronic device in work or school zone—first offense;

(4) Five points assessed for:

\* \* \*

(D) § 1095a(d). Junior operator use of portable electronic device in work or school zone—second and subsequent offenses;

(E) § 1095b(c). Use of portable electronic device in work or school zone—second and subsequent offenses;  
(2).

\* \* \*

#### \* \* \* Master License Agreement Study \* \* \*

### Sec. 30. STUDY ON THE AGENCY OF TRANSPORTATION'S USE OF MASTER LICENSE AGREEMENTS AND ALTERNATIVE OPTIONS

The Agency of Transportation, in consultation with the Vermont League of Cities and Towns, shall report back to the House and Senate Committees on Transportation on or before November 15, 2019 concerning the use and contents of master license agreements and other agreements or contracts by the Agency of Transportation when a municipality, utility, or other person needs to use the right-of-way for the line of railroad owned by the State. The report shall include the history of the Agency's use of master license agreements and other agreements or contracts, including the contents thereof; alternatives to the use of such agreements; whether a municipality or municipal operated utility can secure sufficient insurance coverage to enter into the Agency's current iteration of the standard conditions to the master license agreement it uses when a municipality, utility, or other person needs to use the right-of-way for the line of railroad owned by the State; and what other states do when a municipality, utility, or other person needs to use the right-of-way for any state-owned railroad lines.

#### \* \* \* Motor Vehicle Registrations \* \* \*

Sec. 31. 23 V.S.A. § 307 is amended to read:

#### § 307. CARRYING OF REGISTRATION CERTIFICATE; REPLACEMENT AND CORRECTED CERTIFICATES

(a) A person shall not operate a motor vehicle nor draw a trailer or semi- trailer unless all required registration certificates are carried in some easily accessible place in the motor vehicle.

(b) In case of the loss, mutilation, or destruction of a certificate, the owner of the vehicle described in it shall forthwith notify the Commissioner and remit a fee of \$16.00, upon receipt of which the Commissioner shall furnish the owner with a duplicate certificate.

(c) A corrected registration certificate shall be furnished by the Commissioner upon request and receipt of a fee of \$16.00.

(d) An operator cited for violating subsection (a) of this section with respect to a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration.

Sec. 32. 23 V.S.A. § 511 is amended to read:

#### § 511. MANNER OF DISPLAY

(a) A motor vehicle operated on any highway shall have displayed in a conspicuous place either one or two number plates as the Commissioner may require. Such number plates shall be furnished by the Commissioner and shall show the number assigned to such vehicle by the Commissioner. If only one number plate is furnished, the same shall be securely attached to the rear of the vehicle. If two are furnished, one shall be securely attached to the rear and one to the front of the vehicle. The number plates shall be kept entirely unobscured, and the numerals and the letters thereon shall be plainly legible at all times. They shall be kept horizontal, shall be so fastened as not to swing, excepting however, there may be installed on a motor truck or truck tractor a device which would, upon contact with a substantial object, permit the rear number plate to swing toward the front of the vehicle, provided such device automatically returns the number plate to its original rigid position after contact is released, and the ground clearance of the lower edges thereof shall be established by the Commissioner pursuant to the provisions of 3 V.S.A. chapter 25.

(b) A registration validation sticker shall be unobstructed, and shall be affixed as follows:

(1) for vehicles issued registration plates with dimensions of approximately 12 × 6 inches, in the lower right corner of the rear registration plate; and

(2) for vehicles issued a registration plate with a dimension of approximately 7 × 4 inches, in the upper right corner of the rear registration plate.

(c) A person shall not operate a motor vehicle unless number plates and a validation sticker are displayed as provided in this section.

(d) An operator cited for violating subsection (c) of this section with respect to failure to display a validation sticker on a pleasure car, motorcycle, or truck that could be registered for less than 26,001 pounds shall be subject to a civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited within the 14 days following the expiration of the motor vehicle's registration.

\* \* \* Motor Vehicle Inspections \* \* \*

Sec. 33. 23 V.S.A. § 1222(c) is amended to read:

(c) A person shall not operate a motor vehicle unless it has been inspected as required by this section and has a valid certification of inspection affixed to it. A person shall be subject to a ~~fine~~ civil penalty of not more than \$5.00, which penalty shall be exempt from surcharges under 13 V.S.A. § 7282(a), if he or she is cited for a violation of this section within the 14 days following expiration of the motor vehicle inspection sticker. The month of next inspection for all motor vehicles shall be shown on the current inspection certificate affixed to the vehicle.

\* \* \* Effective Dates \* \* \*

Sec. 34. EFFECTIVE DATES

(a) This section and Secs. 26 (Department of Motor Vehicles training), 27 (translated documents and use of interpreters implementation), and 30 (master license agreement study) shall take effect on passage.

(b) Secs. 23 (written forms) and 24 (examination required) shall take effect on July 1, 2020.

(c) All other sections shall take effect on July 1, 2019.

Date Governor signed bill: June 14, 2019

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